

Members

Sen. Thomas Wyss, Chairman
Sen. Charles Meeks
Sen. Timothy Skinner
Sen. John Broden
Rep. Tiny Adams
Rep. David Crooks
Rep. Robert Cherry
Rep. Timothy Neese



PUBLIC SAFETY MATTERS EVALUATION COMMITTEE

Legislative Services Agency
200 West Washington Street, Suite 301
Indianapolis, Indiana 46204-2789
Tel: (317) 233-0696 Fax: (317) 232-2554

LSA Staff:

Valerie Ruda, Fiscal Analyst for the Committee
Susan Montgomery, Attorney for the Committee

Authority: IC 2-5-21-10

MEETING MINUTES¹

Meeting Date: October 16, 2003
Meeting Time: 10:00 A.M.
Meeting Place: State House, 200 W. Washington St., 130
Meeting City: Indianapolis, Indiana
Meeting Number: 5

Members Present: Sen. Thomas Wyss, Chairman; Rep. David Crooks; Rep. Robert Cherry.

Members Absent: Sen. Charles Meeks; Sen. Timothy Skinner; Sen. John Broden; Rep. Tiny Adams; Rep. Timothy Neese.

Chairman Thomas Wyss called the fifth meeting of the Public Safety Matters Evaluation Committee to order at 10:20 a.m.

Fireworks and Indoor Pyrotechnics

Chairman Wyss opened discussion of Preliminary Draft 3286 (2004) (Exhibit A), which makes changes to the preliminary draft previously discussed at the September 24th meeting. Susan Montgomery, staff attorney for the Committee, described the draft and its modifications.

Matt Brase, Indiana Association of Cities and Towns, spoke about the insurance amounts municipalities carry, which usually is blanket coverage in the area of \$1 million. The municipalities are limited in liability to the extent provided in statutory language.

Mike Hayes, Penn Township Trustee in St. Joseph County, stated that he would like the operator to carry the insurance, rather than the municipality, to keep municipalities from having to purchase one-time policies.

¹ Exhibits and other materials referenced in these minutes can be inspected and copied in the Legislative Information Center in Room 230 of the State House in Indianapolis, Indiana. Requests for copies may be mailed to the Legislative Information Center, Legislative Services Agency, 200 West Washington Street, Indianapolis, IN 46204-2789. A fee of \$0.15 per page and mailing costs will be charged for copies. These minutes are also available on the Internet at the General Assembly homepage. The URL address of the General Assembly homepage is <http://www.ai.org/legislative/>. No fee is charged for viewing, downloading, or printing minutes from the Internet.

Mark Orellana, Penn Township Fire Chief, expressed his support for raising the liability limits and adopting NFPA 1126 standards. He agreed it is better to have the liability resting on the operator rather than the sponsor.

John Brooke, Indiana Fireworks Distributors Association, expressed the need for stronger language in the preliminary draft addressing fireworks display operators since no training is required, and for a stronger presence of fireworks knowledge by members of the Fire Prevention and Building Safety Commission. Chairman Wyss suggested the latter may be better addressed by rule rather than legislation.

Susan Montgomery clarified that the preliminary draft sets different limits for the townships and municipalities (tort law coverage) versus the private operators (\$1 million).

Impaired Drivers

Chairman Wyss described a resolution (Exhibit B) that encourages awareness and education of medical practitioners to be aware of driving impairments that their patients and clients may have. Linda Tritch, certified driver rehabilitation specialist for Parkview Hospital in Fort Wayne, as in earlier meetings described the driver rehabilitation process available through her hospital. Representative Cherry agreed the resolution and the services offered by Ms. Tritch and her profession are of great importance. Chairman Wyss expressed his appreciation to Ms. Tritch for her participation at the hearings.

Vehicle Titling and Bonding

Chairman Wyss opened up for discussion Preliminary Draft 3217 (2004) (Exhibit C), which mandates a bond for used motor vehicle dealers in order to operate as a business.

Les Miller, Special Counsel for the Indiana State Police, proposed additional language (Exhibit D) for the preliminary draft. The language addresses Bureau of Motor Vehicles notification when a bond is cancelled as well as a procedure to be followed after bond cancellation. Mr. Miller noted that the 30-day cancellation period in the preliminary draft may be unnecessary. Marilyn Cage, Bureau of Motor Vehicles (BMV), stated the 30-day period is to ensure a dealer does not cancel a bond before a consumer who issued a complaint receives the compensation due.

Fritz Kreutzinger, Used Car Dealers Association, reiterated comments and concerns made at a previous meeting, including that requiring a bond for motor vehicle dealers is not a solution to the failure-to-deliver title problem. He believes SEA 405 (2003) should first be given a chance to work before other mechanisms are legislated.

Chairman Wyss announced he supports the bond because it allows the industry to police itself while not clogging the legal system, and if a dealer fails to deliver, he will find it hard to obtain another bond.

Jennifer Thuma, Office of the Attorney General, spoke on how the agency handles failure-to-deliver complaints, and noted its experience has shown that most dealers who have had a problem in this area have had mismanagement of finances rather than an intent to defraud. Ms. Thuma expressed the need to keep the 21-day delivery of title requirement as same-day delivery is difficult and suggested the Committee may want to add to the preliminary draft a priority for who may first claim against a bond.

Mr. Miller and Trooper Donna Elam, Indiana State Police, noted that most other states require delivery of title the same day as the sale, except in some instances dealers who purchase a

bond may be allowed more time to deliver.

Chet Goins, Auto Dealers Exchange, expressed his feeling that the bond is not a solution to the failure-to-deliver problem, and suggested that the industry can police itself. Dennis Jones of ADESA Auto Auction expressed the same opinion.

Representative Cherry asked if any of the states who have motor vehicle bonding have enacted any laws similar to SEA 405 (2003); Trooper Elam stated she had not surveyed other states for that information.

Bob Netolicky, ADESA Auto Auction, expressed concern about various issues that may subject a dealer's bond to a complaint when the dealer may not be at fault, including difficulty in securing a corrected title from the BMV. Mr. Miller noted that narrow exceptions could be included in the preliminary draft.

Amber Moore, Community Bankers Association of Indiana, asked that SEA 405 (2003) should be given a chance to work before the delivery of title requirement is changed. Chris Beaumont, Indiana Credit Union League, concurred and added the 21-day period is a reasonable amount of time to deliver a title.

Firefighter Training

Chairman Wyss asked Fire Marshal Boatwright to look into the feasibility of having regional training centers and to report at the next meeting on whether or not a feasibility study should be done and on providing a plan suggesting a time line by which a proposal could be made. Chairman Wyss expressed that his intent is to show that progress is being made on the topic.

James Tidd, Grissom Redevelopment Authority, noted the possibility of having a feasibility study done on the Grissom site still looks good. Chairman Wyss added that the Committee needs to know all the funding aspects as well.

Conclusion

Chairman Wyss described Preliminary Draft 3296 (2004) (Exhibit E), which directs the Attorney General, Superintendent of the State Police, and Commissioner of the Bureau of Motor Vehicles to report to the Governor and Legislative Council regarding motor vehicle dealer consumer complaints.

Chairman Wyss then adjourned the meeting at 12:40 p.m.